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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/002,297

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B-3581CIP4CIP 619161-3

4118

7590

05/04/2004

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EXAMINER

JONES, DAVID B

ART UNIT

PAPER NUMBER

3725

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/002,297

Applicant(s)

CHIA ET AL.

Examiner

David B Jones

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3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 and 105-162 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☒ Claim(s) 3-8, 14, 19-22, 27, 29-33, 107, 108, 110-113, 115, 116, 119, 122, 123, 125-148, 151-158, 160-162 is/ar objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2&4.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

Continuation of Disposition of Claims: Claims rejected are 1,2,9-13,15-18,23-26,28,34-36,105,106,109,114,117,118,120,121,124,149,150 and 159.

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### DETAILED ACTION

1. Claims 1-36 and 105-162 are under consideration. Claims 37-104 are cancelled.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 15, 16, 28, and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Benhamou et al or Rozenwasser 4,934,135 (claim 7). Benhamou et al. and Rozenwasser teach six-link rope chains with what are considered to be edges that are generally parallel to the axis of the links and which are generally smooth and light reflective. The fact that they are slightly bowed or curved, as seen in Figs. 2, 3, 7a (Benhamou) and Fig. 8 (Rozenwasser), fails to preclude the reading of the surfaces as being generally parallel and smooth.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 10, 11, 13, 23, 24, 25, 35, and 159 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benhamou in view of Grando 5,309,704. Benhamou teaches the claimed 6-link chain as described excepting that the links are stamped and are of varying cross-section. Grando teaches such links to be old in Fig. 8. It would have

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been obvious to one of ordinary skill in the art at the time of the invention to have provided the 6-link chain as described in Benhamou with links as disclosed by Grando so as to provide a pleasingly acceptable chain have the aesthetics of Grando with the weight savings of Benhamou.

4. Claims 12, 26, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benhamou in view of Ofrat et al. 5,285,625. Benhamou teaches the claimed 6-link chain as described excepting treating the exterior edge for enhanced reflectivity. Ofrat teaches diamond cutting of rope chains to add such an effect as claimed. It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the 6-link chain as described in Benhamou with diamond cutting as shown by Ofrat et al, to provide the a pleasingly aesthetic result to the chain.

5. Claims 17, 18, 105, 109, 114, 117, 118, 120, 121, 124, 149, and 150 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benhamou in view of K Mart Rope Chain Item # 76617103508. Benhamou teaches the claimed invention excepting providing different adjacent visual properties to the chain links. K Mart teaches on page three a two-tone chain having one half the link silver and the other gold. This provides one of the rope strands silver and the other of helical rope strands gold. It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the 6-link chain as described in Benhamou with a two tone effect as shown by the K-Mart publication to provide pleasing aesthetic results to the chain. Regarding claim 117, 118, 120, 121, to have made the links of Benhamou out of well-known rectangular, square, oval, or diamond configuration would have been an obvious choice

of design expedient known the art of rope chains. Regarding claim 124, the way in which the chain is viewed is given little patentable weight; applicant should set forth the structure in a clear and definite fashion. Regarding claim 149, the strands have both diamond cutting and coloring.

6. Claims 106 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benhamou in view of Wards D45-97384007&18" 2-5 mm. Benhamou teaches the claimed invention excepting providing links with different thickness throughout. Wards teaches links with indentions in the thickness thereof and hence providing links with different and varying thickness. Hence, It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the 6-link chain as described in Benhamou with varying thickness as shown in the Wards publication to provide pleasing aesthetic results to the chain.

7. Claims 3-8, 14, 19-22, 27, 29-33, 107, 108, 110-113, 115, 116, 119, 122, 123, 125-148, 151-158, 160-162 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

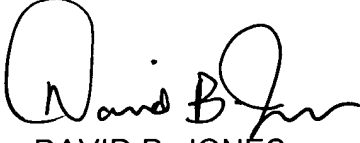
Any inquiry concerning this communication or earlier communications from the examiner should be directed to David B. JONES whose telephone number is (703) 308-1887.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

In the event that the Applicant(s) wishes to communicate via Fax, the current central Fax number for the patent office is (703) 872-0906

DBJ

  
DAVID B. JONES  
PRIMARY PATENT EXAMINER  
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